

IN THE MATTER OF THE APPLICATION OF

MEGAN ANNE SZCZEPANIK, Owner

to the

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT,
Permit Authority,

Regarding

RV PARK (TINY HOMES)

The Henderson County Zoning Board of Adjustment held a quasi-judicial hearing April 27, 2022, to consider application SUP-22-02, seeking a special use permit to allow use of certain property for the use “recreational vehicle park” under the Chapter 42 of the Henderson County Code (“the Code”). The application was submitted by owner of the property in question. Having heard all of the evidence and arguments presented at the hearing, the Zoning Board of Adjustment makes the following findings of fact:

1. A quasi-judicial hearing was held by the Henderson County Zoning Board of Adjustment on the special use permit application SP-17-02. A quorum of members of the Zoning Board of Adjustment was present. The members present and participating were:

Williard Fishburne, Chair
Steve Dozier
James Hysong

Mark Casoria
Tony Engel

2. All members of the Zoning Board of Adjustment affirmed their ability to make an impartial decision in this matter, and no party or member objected to any other member’s participation in this hearing.

3. Notice of the quasi-judicial hearing, pursuant to the Code was duly and timely given in accord with the provisions of §42-371. This included certified mailing to the applicants and all adjacent property owners to the boundary of the subject property, published notice, and the posting of notice on the subject property.

4. This application was filed by Megan Ann Szczepanik, as property owner. The property to be included in the special use consists of Henderson County PIN 9662645089. This property is currently zoned residential two rural (“R2R”). “Recreational vehicle park” is a permitted use in this district with a special use permit.

5. At the commencement of this hearing, the Chair stated that the Board recognized the Applicants and the Henderson County Planning Department as parties to this hearing, and inquired whether any person or entity sought to become a party to this action. No such person responded.

6. In order to grant any special use, the Board must find that the proposed use will:

- a. Not materially endanger the public health, safety or welfare;
- b. Not substantially injure the value of property or improvements in the area; and
- c. Be in harmony with the surrounding area.

7. The information contained in the Request for Board Action and staff report was received by the Board without objection. The statements found therein are found to be fact by this Board.

8. The Board must find that the proposed use meets the specific standards for each specific special use set out in the Henderson County Land Development Ordinance, Chapter 42 of the Henderson County Code. The use proposed here is “recreational vehicle park”. The specific standards for the proposed use are set out in Supplemental Regulation SR 4.15 of the Land Development Ordinance, found at Section 42-63 thereof. The standards, deleting any which are inapplicable to the site plan proposed by the applicant, are as follows:

a. A major Site Plan is required in accordance with §42-331 (Major Site Plan Review).

b. Lighting mitigation is required.

c. The perimeter setback is fifty (50) feet.

d. Recreational vehicle spaces shall be a minimum of 2,000 square feet and shall have dimensions no less than 40 feet by 50 feet. A recreational vehicle space may contain up to four (4) campsites for tent set-up. No recreational vehicle space is permitted in the 100-year floodplain.

e. Common Area. A common area shall be provided, that is equivalent in square footage to 25 percent the total square footage in: recreational vehicle/park model home spaces, structures on site, parking areas and driveways. Common area shall be accessible for the use and enjoyment of recreational vehicle park occupants, located as to be free of traffic hazards and maintained in good condition by the applicant.

f. The recreational vehicle park:

i. [Not applicable]

ii. May contain structures ancillary to the use;

iii. [Not applicable]; and

iv. Shall provide, at the time of application, an evacuation plan for a natural disaster event.

g. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual uses or the use of dumpsters (installed

and/or operated to meet all local and state statutes, ordinances and regulations (including Chapter 95 of the Henderson County Code, Solid Waste) and thereafter certified by the Department of Public Health). Where dumpsters are used, Screen Class One (1), Two (2) or Three (3) shall be provided consistent with the requirements of §42-182 (Screen Classification).

9. The Applicant's plans, including the site plan, are in compliance with the provisions of S.R. 4.15. In reviewing this matter, the Board presumes that the site plan will be followed.

10. A motion was made by to grant the special use, all standards having been met, and was unanimously approved.

From the foregoing, the Zoning Board of Adjustment concludes as follows:

1. All parties were properly before the Board, and all evidence presented herein was under oath, and was not objected to by any party. All evidence relied upon in this Order was credible and reliable.

2. The Zoning Board of Adjustment has jurisdiction to hear this matter.

3. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.

4. The application for the special use permit must be granted.

IT IS THEREFORE ORDERED by the Henderson County Zoning Board of Adjustment that Henderson County special use permit amendment application number SP-22-02 is hereby granted.

Announced April 27, 2022, and approved unanimously by the Board in final form, this the 25th day of May, 2022.

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT

By: _____
WILLIARD FISHBURNE, Acting as Chair